



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 23] नई दिल्ली, शुक्रवार, दिसम्बर 3, 1999 / अग्रहायण 12, 1921
No. 23] NEW DELHI, FRIDAY, DECEMBER 3, 1999/ AGRAHAYANA 12, 1921

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 3rd December, 1999:—

I

BILL No. IV of 1999

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Fiftieth year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1999.

Short title.

2. For Seventh Schedule to the Constitution of India, the following Schedule shall be substituted, namely:—

Amendment of
Seventh
Schedule.

SEVENTH SCHEDULE*(Article 246)***List I—Union List**

1. Defence of India and every part thereof including preparation for defence and all such acts as may be conducive in times of war to its prosecution and after its termination to effective demobilisation.

2. Naval, military and air forces; any other armed forces of the Union.

[2A. Deployment of any armed force of the Union or any other force subject to the control of the Union or any contingent or unit thereof in any State in aid of the civil power; powers, jurisdiction privileges and liabilities of the members of such forces while on such deployment.]

3. Delimitation of cantonment areas, local self-government in such areas, the constitution and powers within such areas of cantonment authorities and the regulation of house accommodation (including the control of rents) in such areas.

4. Naval, military and air force works.

5. Arms, firearms, ammunition and explosives.

6. Atomic energy and mineral resources necessary for its production.

7. Industries declared by Parliament by law to be necessary for the purpose of defence or for the prosecution of war.

8. Central Bureau of Intelligence and Investigation.

9. Preventive detention for reasons connected with Defence, Foreign Affairs, or the security of India; persons subjected to such detention.

10. Foreign affairs; all matters which bring the Union into relation with any foreign country.

11. Diplomatic, consular and trade representation.

12. United Nations Organisation.

13. Participation in international conferences, associations and other bodies and implementing of decisions made thereat.

14. Entering into treaties and agreements with foreign countries and implementing of treaties agreements and conventions with foreign countries.

15. War and peace.

16. Foreign jurisdiction.

17. Citizenship, naturalisation and aliens.

18. Extradition.

19. Admission into, and emigration and expulsion from India; passports and visas.

20. Pilgrimages to places outside India.

21. Piracies and crimes committed on the high seas or in the air; offences against the law of nations committed on land or the high seas or in the air.

22. Railways.

23. Highways declared by or under law made by Parliament to be national highways.

24. Shipping and navigation on inland waterways, declared by Parliament by law to be national waterways, as regards mechanically propelled vessels; the rule of the road on such waterways.

25. Maritime shipping and navigation, including shipping and navigation on tidal waters; provision of education and training for the mercantile marine and regulation of such education and training provided by States and other agencies.

26. Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft.

27. Ports declared by or under law made by Parliament or existing law to be major ports, including their delimitation, and the constitution and powers of port authorities therein.

28. Port quarantine, including hospitals connected therewith; seamen's and marine hospitals.

29. Airways; aircraft and air navigation; provision of aerodromes; regulation and organisation of air traffic and of aerodromes; provision for aeronautical education and training and regulation of such education and training provided by States and other agencies.

30. Carriage of passengers and goods by railway, sea or air, or by national waterways in mechanically propelled vessels.

31. Posts and telegraphs; telephones, wireless, broadcasting and other like forms of communication.

32. Property of the Union and the revenue therefrom, but as regards property situated in a State subject to legislation by the State, save in so far as Parliament by law otherwise provides.

34. Courts of wards for the estates of Rulers of Indian States.

35. Public debt of the Union.

36. Currency, coinage and legal tender; foreign exchange.

37. Foreign loans.

38. Reserve Bank of India.

39. Post Office Savings Bank.

40. Lotteries organised by the Government of India.

* 41. Trade and commerce with foreign countries; import and export across customs frontiers; definition of customs frontiers.

42. Inter-State trade and commerce.

43. Incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations but not including co-operative societies.

44. Incorporation, regulation and winding up of corporations, whether trading or not, with objects not confined to one State, but not including universities.

45. Banking.

46. Bills of exchange, cheques, promissory notes and other like instruments.

47. Insurance.

48. Stock exchanges and futures markets

49. Patents, inventions and designs; copyright; trade-marks and merchandise marks.

50. Establishment of standards of weight and measure.

51. Establishment of standards of quality for goods to be exported out of India or transported from one State to another.

52. Industries, the control of which by the Union is declared by Parliament by law to be expedient in the public interest.

53. Regulation and development of oilfields and mineral oil resources; petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable.

54. Regulation of mines and mineral development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.

55. Regulation of labour and safety in mines and oilfields.

56. Regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.

57. Fishing and fisheries beyond territorial waters.

58. Manufacture, supply and distribution of salt by Union agencies, regulation and control of manufacture, supply and distribution of salt by other agencies.

59. Cultivation, manufacture, and sale for export, of opium.

60. Sanctioning of cinematograph films for exhibition.

61. Industrial disputes concerning Union employees.

62. The institutions known at the commencement of this Constitution as the National Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial and the Indian War Memorial, and any other like institution financed by the Government of India wholly or in part and declared by Parliament by law to be an institution of national importance.

63. The institutions known at the commencement of this Constitution as the Benares Hindu University, the Aligarh Muslim University and the Delhi University; the University established in pursuance of article 371E; any other institution declared by Parliament by law to be an institution of national importance.

64. Institutions for scientific or technical education financed by the Government of India wholly or in part and declared by Parliament by law to be institutions of national importance.

65. Union agencies and institutions for—

(a) Professional, vocational or technical training, including the training of police officers; or

(b) the promotion of special studies or research; or

(c) scientific or technical assistance in the investigation or detection of crime.

66. Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.

67. Ancient and historical monuments and records, and archaeological, sites and remains, declared by or under law made by Parliament to be of national importance.

68. The Survey of India, the Geological, Botanical, Zoological and Anthropological Surveys of India; Meteorological Organisations.

69. Census.

70. Union Public Services; All-India Services; Union Public Service Commission.

71. Union pensions, that is to say, pensions payable by the Government of India or out of the Consolidated Fund of India.

72. Elections to Parliament, to the Legislatures of States and to the offices of President and Vice-President; the Election Commission.

73. Salaries and allowances of members of Parliament, the Chairman and Deputy Chairman of the Council of States and the Speaker and Deputy Speaker of the House of the People.

74. Powers, privileges and immunities of each House of Parliament and of the members and the Committees of each House; enforcement of attendance of persons for giving evidence or producing documents before committees of Parliament or commissions appointed by Parliament.

75. Emoluments, allowances, privileges, and rights in respect of leave of absence, of the President and Governors; salaries and allowances of the Ministers for the Union; the Salaries, allowances and rights in respect of leave of absence and other conditions of service of the Comptroller and Auditor-General.

76. Audit of the accounts of the Union and of the States.

77. Constitution, organisation, jurisdiction and powers of the Supreme Court (including contempt of such Court), and the fees taken therein; persons entitled to practise before the Supreme Court.

78. Constitution and organisation (including vacations) of the High Courts except provisions as to officers and servants of High Courts; persons entitled to practise before the High Courts.

79. Extension of the jurisdiction of a High Court to, and exclusion of the jurisdiction of a High Court from, any Union territory.

80. Extension of the powers and jurisdiction of members of a police force belonging to any State to any area outside that State, but not so as to enable the police of one State to exercise powers and jurisdiction in any area outside that State without the consent of the Government of the State in which such area is situated; extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside that State.

81. Inter-State migration; inter-State quarantine.

82. Taxes on income other than agricultural income.

83. Duties of customs including export duties.

84. Corporation tax.

85. Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of companies.

86. Terminal taxes on goods or passengers, carried by railway, sea or air; taxes on railway fares and freights.

87. Taxes other than stamp duties on transactions in stock exchanges and futures markets.

88. Rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts.

89. Taxes on the sale or purchase of goods other than newspapers, where such sale or purchase takes place in the course of inter-State trade or commerce.

90. Taxes on the consignment of goods (whether the consignment is to the person making it or to any other person), where such consignment takes place in the course of inter State trade or commerce.

91. Offences against laws with respect to any of the matters in this List.
92. Inquiries, surveys and statistics for the purpose of any of the matters in this List.
93. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List; admiralty jurisdiction.
94. Fees in respect of any of the matters in this List, but not including fees taken in any court.
95. Any other matter not enumerated in List II or List III including any tax not mentioned in either of those Lists.

List II—State List

1. Public order (but not including the use of any naval, military or air force or any other armed force of the Union or of any other force subject to the control of the Union or of any contingent or unit thereof in aid of the civil power).
 2. Police (including railway and village police) subject to the provisions of entry 2A of List 1.
 3. ¹*** Officers and servants of the High Court; procedure in rent and revenue courts; fees takes in all courts except the Supreme Court.
 4. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other States for the use of prisons and other institutions.
 5. Local government, that is to say, the constitution and powers of municipal corporations improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.
 6. Public health and sanitation; hospitals and dispensaries.
 7. Pilgrimages, other than pilgrimages to places outside India.
 8. intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors.
 9. Relief of the disabled and unemployable.
 10. Burials and burials grounds; cremations and cremation grounds.
- 4* * * * * *
12. Libraries, museums and other similar institutions controlled or financed by the State ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance.
 13. Communications, that is to say, roads, bridges, ferries, and other means of communication not specified in List I; municipal tramways; ropeways; inland waterways and traffic thereon subject to the provisions of List I and List III with regard to such waterways; vehicles other than mechanically propelled vehicles.
 14. Agriculture, including agricultural education and research protection against pests and prevention of plant diseases.
 15. Preservation protection and improvement of stock and prevention of animal diseases; veterinary training and practice.
 16. Pounds and the prevention of cattle trespass.
 17. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 36 of List I.

18. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonization.

21. Fisheries.

22. Courts of wards subject to the provisions of entry 34 of List I; encumbered and attached estates.

23. Regulation of mines and mineral development subject to the provisions of List I with respect to regulation and development under the control of the Union.

24. Industries subject to the provisions of entries 7 and 52 of List I.

25. Gas and gas-works.

26. Trade and commerce within the State subject to the provisions of entry 33 of List III.

27. Production, supply and distribution of goods subject to the provisions of entry 33 of List III.

28. Markets and fairs.

30. Money-lending and money-lenders; relief of agricultural indebtedness.

31. Inns and inn-keepers.

32. Incorporation, regulation and winding up of corporations, other than those specified in List I, and universities; unincorporated trading, literary, scientific, religious and other societies and associations; co-operative societies.

33. Theatres and dramatic performances; cinemas subject to the provisions of entry 60 of List I; sports, entertainments and amusements.

34. Betting and gambling.

35. Works, lands and buildings vested in or in the possession of the State.

37. Elections to the Legislature of the State subject to the provisions of any law made by Parliament.

38. Salaries and allowances of members of the Legislature of the State, of the Speaker and Deputy Speaker of the Legislative Assembly and, if there is a Legislative Council, of the Chairman and Deputy Chairman thereof;

39. Powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof; and if there is a Legislative Council, of that Council and of the members and the committees thereof; enforcement of attendance of persons for giving evidence or producing documents before committees of the Legislature of the State.

40. Salaries and allowances of Ministers for the State.

41. State public services; State Public Service Commission.

42. State pensions, that is to say, pensions payable by the State or out of the Consolidated Fund of the State.

43. Public debt of the State.

44. Treasure trove.

45. Transfer of property other than agricultural land; registration of deeds and documents.

46. Vagrancy, nomadic and migratory tribes.

47. Lunacy and mental deficiency, including places for the reception of treatment of lunatics and mental deficient.

48. Prevention of cruelty to animals.

49. Forests.

50. Protection of wild animals and birds.

51. Adulteration of foodstuffs and other goods.

52. Commercial and industrial monopolies, combines and trusts.

53. Trade unions; industrial and labour disputes.

54. Social security and social insurance; employment and unemployment.

55. Welfare of labour including conditions of work, provident funds, employers' liability workmen's compensation, invalidity and old age pensions and maternity benefits.

56. Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I; vocations and technical training of labour.

57. Charities and charitable institutions, charitable and religious endowments and religious institutions.

58. Vital Statistics including registration of births and deaths.

59. Weights and measures except establishment of standards.

60. Mechanically propelled vehicles including the principles on which taxes on such vehicles are to be levied.

61. Factories.

62. Boilers.

63. Electricity.

64. Newspapers, books and printing presses.

65. Archaeological sites and remains other than those declared by or under law made by Parliament to be of national importance.

66. Custody, management and disposal of property (including agricultural land) declared by law to be evacuee property.

67. Acquisition and requisitioning of property.

68. Stamp duties other than duties of fees collected by means of judicial stamps, but not including rates of stamp duty.

69. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues.

70. Taxes on agricultural income.

71. Duties in respect of succession to agricultural land.

72. Estate duty in respect of agricultural land.

73. Taxes on lands and buildings.

74. Taxes on mineral rights subject to any limitations imposed by Parliament by law relating to mineral development.

List III—Concurrent List

1. Criminal law, including all matters included in the Indian Penal Code at the commencement of this constitution but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of naval, military or air force or any other armed forces of the Union in aid of the civil power.

2. Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of this constitution.

3. Preventive detention for reasons connected with the security of a State, the maintenance of public order, or the maintenance of supplies and services essential to the community; persons subjected to such detention.

4. Removal from one State to another State of prisoners, accused persons and persons subjected to preventive detention for reasons specified in entry 3 of this List.

5. Marriage and divorce; infants and minors; adoption; wills, intestacy and succession; joint family and partition; all matters in respect of which parties in judicial proceedings were immediately before the commencement of this Constitution subject to their personal law.

6. Contracts, including partnership, agency contracts of carriage, and other special forms of contracts, but not including contracts relating to agricultural land.

7. Actionable wrongs.

8. Bankruptcy and insolvency.

9. Trust and Trustees.

10. Administrators-generals and official trustees.

11. Administration of justice; constitution and organisation of all courts except the Supreme Court and the High Courts.

12. Evidence and oaths; recognition of laws, public acts and records, and judicial proceedings.

13. Civil procedure, including all matters included in the Code of Civil Procedure at the commencement of this Constitution, limitation and arbitration.

14. Contempt of court, but not including contempt of the Supreme Court.

15. Drugs and poisons, subject to the provisions of entry 59 of List I with respect to opium.

16. Economic and Social planning.

17. Population control and family planning.

18. Legal, medical and other professions.

19. Relief and rehabilitation of persons displaced from their original place of residence by reason of the setting up of the Dominions of India and Pakistan.

20. Prevention of the extension from one State to another of infectious or contagious diseases of pests affecting men, animals or plants.

21. Ports other than those declared by or under law made by Parliament or existing law to be major ports.

22. Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways, and the carriage of passengers and goods on inland waterways subject to the provisions of List I with respect to national waterways.

23. Trade and commerce in and the production, supply and distribution of:—

(a) the products of any industry where the control of such industry by the Union is declared by Parliament by law to be expedient in the public interest, and imported goods of the same kind as such products;

(b) foodstuffs, including edible oilseeds and oils;

(c) cattle fodder, including oilcakes and other concentrates;

(d) raw cotton, whether ginned or unginned, and cotton seed; and

(e) raw jute.

24. Price control.

25. Recovery in a State of claims in respect of taxes and other public demands, including arrears of land-revenue and sums recoverable as such arrears, arising outside that State.

26. Inquiries and statistics for the purposes of any of the matters specified in List II or List III.

27. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List.

28. Fees in respect of any of the matters in this List, but not including fees taken in any court.

STATEMENT OF OBJECTS AND REASONS

The framers of the Constitution envisaged a strong Centre in order to protect the interest of States. The intention was to protect the States and build a strong India than to dominate the States. Later, the Constitution of India was drastically changed to usurp the powers of the States. For each and everything, every State Government has to look to Centre and it cannot take any independent decision.

The Centre, with many more important responsibilities like Defence, Foreign Affairs, banking etc. is unable to cope up with other responsibilities. The Centre should be given only a few responsibilities so that it can concentrate on them and build a stronger independent India.

The State Governments should be given more powers in order to enable them to discharge their duties more responsibly.

Moreover, it is desirable that powers should be decentralised for effective discharge. Concentration of all powers on a single authority will make that authority not only ineffective but also autocratic.

Every State should be left alone to decide its policy. The Centre should intervene in only such matters where a State Government will not be able to function without cooperation from other States.

In order to build a strong, dynamic country, it is essential that a review of legislative powers is undertaken urgently.

Therefore, it is proposed to amend the Constitution suitably.

C. RAMACHANDRAIAH

II

BILL No. XXI OF 1999

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fiftieth year of the Republic of India as follows:—

Short title.

1. This Act may be called as the Constitution (Amendment) Act, 1999.

Insertion of
new article 9A.2. After article 9 of the Constitution, the following article shall be inserted,
namely:—Citizenship for
Indian citizen
who have
acquired any
other
citizenship.

"9A (1) Notwithstanding anything in this Constitution, any person, either of whose parents, was or is a citizen of India, by virtue of any law for the time being in force, shall also be deemed to be a citizen of India irrespective of the fact that he has acquired citizenship of any other country.

(2) Every deemed citizen referred to under clause (1) shall have all the rights available to a natural citizen of India.

3. In article 19 of the Constitution,—Amendment of
article 19.

(i) in clause (1) after sub-clause (G) the following sub-clause shall be inserted, namely:—

"(h) to information";

(ii) after clause (6), the following clause shall be added, namely:—

"(7) Nothing in sub-clause (h) of clause (1) shall affect the operation of any existing law in so far as it imposes, or prevents the state from making any law in the interests of sovereignty and integrity of India, or public order, the security of the state, friendly relations with foreign states, decency or morality, or in relation to contempt of court, defamation or incitement to an offence."

STATEMENT OF OBJECTS AND REASONS

Our citizens, settled abroad, due to various reasons, contribute their might to the economic and national development. They send crores of rupees to us. They are second to none to protect the interests of the nation. However, as most of them have acquired the citizenship of the country where they have settled, they cannot become citizens of our country under the existing law. It is but appropriate that they should be given citizenship rights so that they can participate in the affairs of the nation.

In the wake of globalisation worldwide, a closed government cannot function effectively. Transparency in the public administration is essential. People should know what is happening around them. They should have access to public records, documents, etc. All other rights, without the right to information has no meaning. In the golden jubilee year of the Indian independence, people of this country should be bestowed with this right.

The Bill accordingly seeks to amend the Constitution.

C. RAMACHANDRAIAH

III

BILL No. XXII OF 1999

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1999.

Short title.

2. After article 151 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
151A.

"CENTRAL BUREAU OF INVESTIGATION"

"151A. (1) There shall be established a Central Bureau of Investigation consisting of a Chief Commissioner and other Commissioners.

Establishment
of Central
Bureau of
Investigation.

(2) The Chief Commissioner and other Commissioners shall be appointed by President by warrant under his hand and seal.

(3) The Chief Commissioner and other Commissioners shall be appointed on the recommendations of a Committee consisting of—

- (i) the Prime Minister;
- (ii) Minister of Home Affairs;
- (iii) the Chief Justice of India;

(4) The terms of appointment and conditions of service of Chief Commissioners and other Commissioners of Bureau shall be such as Parliament may by law prescribe.

(5) The duties of Bureau shall be the following, namely:—

(a) to inquire or cause an inquiry or investigation to be made by the Central Government or Police establishment of a Union territory; on an allegation of an offence committed under any law for the time being in force;

(b) suo-moto inquire or cause an inquiry or investigation to be made in any allegation of offence committed under any law for the time being in force, whether any reference has been made or not;

(c) advise the Central Government on investigations made in any case or use of methods for investigations;

(d) exercise superintendence over the functioning of the police establishments of all union territories.

(e) take necessary preventive steps in case the Bureau apprehends that an offence is likely to be committed.

(f) make arrest, search any premises, call for such information or records from any authority, office, establishment or individual for efficient functioning.

(g) take such steps, which in the opinion of the Bureau are necessary in the interest of the investigation or inquiry or prevention in relation to an offence.

Officers and
staff for the
Bureau.

151B. (1) The Central Government shall make available such officers and staff as may be requisitioned by the Bureau from time to time.

(2) All the expenses of the Bureau including salaries and allowances of commissioners of Bureau shall be charged upon the consolidated fund of India.

Bureau to
investigate any
offence on the
request of a
State.

151C. (1) Where a request has been received from a State, the Bureau shall inquire or cause an inquiry or investigation in allegation of any offence committed under any law for the time being in force on that State.

(2) The State Government shall make available all necessary information, records, evidence, material and documents to the Bureau to facilitate the Bureau in its functioning.

(3) Where any inquiry or investigation is under progress, the case shall not be dealt with by the Police establishment of that State.

STATEMENT OF OBJECTS AND REASONS

At present, Central Bureau of Investigation is under the control of Central Government. As such the Bureau is unable to function independently and properly. There has been a persistent demand from all quarters that the Bureau should be made an autonomous organisation.

With a view to giving full autonomy to CBI to discharge its functions independently and efficiently and without any fear or favour or any sort of influence, it is proposed to give the Bureau Constitutional status.

Hence this Bill.

C. RAMACHANDRAIAH

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of a Central Bureau of Investigation consisting of Chief Commissioner and other Commissioners. It also provides for appointment of necessary officers and staff. Already CBI is functioning. Nevertheless, some more expenditure will be involved.

The Bill, therefore, if enacted, will involve expenditure from the consolidated fund of India. It is likely to involve an annual recurring expenditure of fifty crores rupees from the consolidated fund of India.

A non-recurring expenditure of about ten crores is also likely to be involved.

IV

BILL No. XIV OF 1999

A Bill to provide for abolition of begging and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fiftieth Year of Republic of India as follows:—

1. (1) This Act may be called the Abolition of Begging Act, 1999.

Short title and
extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases the Central Government;

(b) “Begger” means any person who indulges in begging;

(c) "begging" means—

(i) soliciting or receiving alms or cause to solicit or receive alms in a public place including railways, bus-stops, road sides or any other place when, public has access;

(ii) exposing or exhibiting any wound, deformity or disease of self or any other person or of an animal for the purpose of soliciting or collecting alms;

(iii) allowing one self to be used as an exhibit for purpose of soliciting or collecting alms.

but does not include—

(i) soliciting or receiving money or food or gifts by performing any artistic work or any music or dance or acrobatics or painting work in a public place;

(ii) any offering or money or food received in connection with any religious custom or usage obtained in any religion.

(d) "child" means a boy or a girl who has not attained the age of eighteen years;

(e) "Children home" means a children home established under Juvenile Justice Act, 1986;

(f) "court" means any court exercising jurisdiction in the area in which the person accused of begging has been arrested; 53 of 1986.

(g) "prescribed" means prescribed by rules made under this Act.

(h) "receiving centre" means a centre established under this Act, where any 20 persons arrested on the ground of begging shall be kept.

3. Begging by any person in any form is hereby abolished.

Abolition of begging.

Punishment for forced begging.

4. Whoever forces or encourages any person, including a child in his care, custody or charge, for begging or whoever uses any person as an exhibit for the purpose of begging shall be punished with rigorous imprisonment for a term which shall not be less than ten years and may extend to fifteen years in case that person collects or solicits alms by forcing two or more persons to indulge in begging.

Arrest of persons found begging.

5. (1) Any person found begging shall be arrested by the police and before making every such arrest, the officer-in-charge of the concerned police station shall satisfy himself as to the bonafide of the arrested begger.

(2) Any person, other than a child, arrested, on the ground of begging shall be sent to a Receiving Centre, to be established in every district by the appropriate Government, where in such persons shall be provided with facilities for his rehabilitation.

Explanation:— For the purpose of this section, facilities for rehabilitation includes medical care, sustenance and training in agricultural or industrial or other pursuits aiming at gainful employment of the beggars.

(3) Any Child arrested on the ground of begging shall be sent to a children home.

Beggars' Welfare fund.

6. (1) The Central Government shall constitute a Fund to be called the Beggars' Welfare Fund for the welfare of the beggars.

(2) Every beggar shall be given such amount, as may be necessary, but not more than a total of rupees ten thousand out of the fund constituted under sub-section (1) for self-employment.

7. (1) The appropriate Government shall formulate such schemes, work out such plans, including plans for provision of education, and create such suitable infrastructure in every district as would enable beggars to take up suitable jobs for earning their livelihood.

Formulation of schemes & plans for beggars.

(2) The appropriate Government shall set up destitute homes in every district for providing food, shelter and protection to the old, infirm, helpless and destitute persons to ensure that they do not indulge in begging.

8. Any person who maims himself or other person for the purpose of soliciting or collecting alms shall be punished with rigorous imprisonment for a term which may extend to ten years:

Punishment for maiming.

Provided that when the person maimed is a child below fourteen years of age or a woman or person above sixty years of age, the sentence shall not be less than seven years.

9. Notwithstanding anything contained in any other law for the time being in force, an offence under this Act shall be cognizable and non-bailable.

Offence to be cognizable and non-bailable.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Despite all effort made and welfare measures taken by the Central and the State Governments, begging continues unabated all over the country, especially in the metropolitan cities and urban centres.

Drives launched by different State Governments and Union Territory Administrations and anti-begging legislations enacted by various State Legislatures so far have failed to curb and even contain this menace, which has assumed criminal proportions.

To root-out the menace of begging from the country, a national perspective has to be created, by developing an infrastructure to tackle begging not only by a legal framework but socially creating an environment of accommodation and acceptance of beggars in the society, to assure them a life with dignity.

Hence this Bill.

P. PRABHAKAR REDDY

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of "Receiving Centres" by the appropriate Government. Clause 6 of the Bill provides for establishment of Beggars' Welfare Fund by the Central Government. Clause 7 of the Bill provides for formulation of schemes and creating suitable infrastructure in every district. The Central Government would have to incur expenditure from the Consolidated Fund of India for the establishment of Receiving Centres, Destitute homes and for formulation of schemes and creating suitable infrastructure in respect of Union territories. As far as the establishment of Receiving Centres, Destitute homes and formulation of schemes and creating suitable infrastructure in the States are concerned, the State Government will incur expenditure from their respective Consolidated Funds. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees 900 crore per annum.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

V

BILL NO. XIII OF 1999

A Bill further to amend the Commissions of Inquiry Act, 1952.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Commissions of Inquiry (Amendment) Act, 1999.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

60 of 1952.

2. In section 3 of the Commissions of Inquiry Act, 1952, in clause (1), after the existing proviso, the following proviso shall be inserted, namely:—

Amendment of
section 3.

"Provided further that the Commission appointed under this Section shall complete its inquiry within the time limit specified in the notification or within a period of three years from the date of appointment of the Commission, whichever is earlier.

STATEMENT OF OBJECTS AND REASONS

The Commissions of Inquiry Act, 1952 was enacted to appoint commissions to inquire into any definite matter of public importance. During the past forty seven years of the existence of this Act, whenever an important event has occurred a Commission was appointed to inquire into such matters.

But in many cases the Commission had been asking for extension of time beyond the time originally fixed by the Government and the latter had granted such extensions of time almost as a matter of routine. The result had been that in many cases by the time the report of the Commission on a particular matter was out its relevance and importance faded away to and the very purpose of the setting up of the commission was defeated. It is, therefore, necessary to prescribe a time limit for the Commission to complete its work.

Accordingly, the Bill seeks to propose a maximum time limit of three years to a Commission within which it must complete the inquiry and submit its report.

Hence this Bill.

P. PRABHAKAR REDDY

VI

BILL No. XVI OF 1999

A Bill to make provisions for continuous employment and also to regulate the employment and conditions of service of agricultural workers and for welfare measures to be undertaken by the State for the agricultural workers and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fiftieth year of the Republic of India as follows:—

1. (1) This Act may be called the Agricultural Workers (Provision for Continuous Employment, Conditions of Service and Welfare Measures) Act, 1999.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires:—

Definition.

(a) "agricultural land" means any land which may be used for agriculture, horticulture, pisciculture, sericulture, forestry, cattle grazing, poultry, dairy farming, livestock raising and such activities related to agriculture;

(b) "agricultural worker" means any person whether male or female who has completed fourteen years of age and who in consideration of wages in cash or kind or both payable to him by a land owner works on or does any agricultural operation in relation to the agricultural land of such land owner;

(c) "appropriate Government" means in the case of State the Government of that State and in other cases the Central Government;

(d) "beneficiary" means an agricultural worker registered under section 6;

(e) "Board" means the Agricultural Workers Welfare Board established under sub-section (1) of section 8;

(f) "family" means the spouse and dependent minor children, whether legitimate or adopted, and the dependent parents of an agricultural worker;

(g) "Fund" means the Agricultural Workers Welfare Fund established under sub-section (1) of section 14;

(h) "land owner" means:—

(a) in relation to land cultivated personally, the owner of such land;

(b) in relation to a land held by a cultivating tenant by whatever name called, such cultivating tenant;

(c) in other cases, the person in actual possession of the land, and includes his heirs, assignees and legal representatives.

(i) "prescribed" means prescribed by rules made under this Act;

(j) "prescribed wages" means wages fixed under the Minimum Wages Act, 1948 by the appropriate Government or the agreed rate of wages between the employer and agricultural worker, whichever is higher. 11 of 1948.

Registration
Officers.

3. The appropriate Government shall, by notification in the official Gazette, appoint such number of Registration Officers for carrying out the purposes of this Act and assign to them such local limits, as it may specify in that notification.

Registers.

4. Every Registration Officer appointed under this Act shall prepare and maintain a register of land owners and a register of agricultural workers of his local limits, in such manner as may be prescribed.

Concilia-
tion
Officers.

5. The appropriate Government shall, by notification in the official Gazette, appoint such number of officers as it thinks fit as Conciliation Officers for mediating in and promoting settlement of agricultural disputes between land owners and agricultural workers and may assign to them such local limits as may be specified in that notification.

Compulsory
registration
of land
owners and
agricultural
workers.

6. Every land owner and agricultural worker shall be registered by the Registration officer in such manner as may be prescribed.

Identity
Cards to
agricultural
workers.

7. The registration officer shall give to every agricultural worker registered with him an identity card in such form as may be prescribed.

Establish-
ment of
Boards.

8. (1) Every appropriate Government shall, with effect from such date as it may, by notification in the Official Gazette, appoint, establish in every district a Board to be known as the(name of the district) Agricultural Workers Welfare Board for the administration of the Fund and to exercise the powers conferred on, and perform the functions assigned to it under this Act.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The Board shall consist of:—

- (a) a Chairperson;
- (b) a Deputy Chairperson;
- (c) such number of members not exceeding four, as may be fixed by the appropriate Government; and
- (d) the Collector, Member *ex-officio*.

(4) While appointing members under clause (c) of sub-section (3), the appropriate Government shall ensure that equal numbers of such members representing, as nearly as possible, the appropriate Government, the land owners and the agricultural workers are appointed and that at least one of such members is a woman.

(5) The term of office and other conditions of service of the members, except the Collector shall be such as may be prescribed.

9. (1) The Board shall appoint a Secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

Secretary and officers of the Board.

(2) The terms and conditions of service and the salary and allowances payable to the Secretary, other officers and employees of the Board shall be such as may be prescribed.

10. The Board shall meet at such time and place and observe such rules of procedure in regard to the transaction of business as may be prescribed.

Meetings of the Board.

11. No act or proceedings of the Board shall be invalid merely by reason of:—

Validity of proceedings.

- (a) any vacancy in, or any defect in the constitution of the Board;
- (b) any defect in the appointment of a person acting as a member of the Board;
- or
- (c) any irregularity in the procedure of the Board not affecting the merits of the case.

12. (1) The Board shall,

Functions of the Board.

(a) provide immediate financial assistance to the family of an agricultural worker in case of death or injury to such worker at rates as may be fixed by the Board;

(b) make payment of pension to an agricultural worker who has completed the age of sixty years;

(c) sanction loans and advances to an agricultural worker for construction of a dwelling house not exceeding such amount and on such terms and conditions as may be prescribed;

(d) give such financial assistance for the education of children of the agricultural workers as may be prescribed;

(e) meet such medical expenses for treatment of such major ailments of an agricultural worker and his family as may be prescribed;

(f) make payment of maternity benefit to the female agricultural workers;

(g) make such provision for improvement of such other welfare measures and facilities as may be prescribed.

(2) The Board may grant loan or subsidy to a local authority or a land owner in aid of any scheme approved by the appropriate Government for the purpose connected with the welfare of agricultural workers.

Grants and
Loans.

13. The appropriate Government may, after due appropriation made by Parliament or State Legislature, as the case may be, by law in this behalf, make to a Board grants and loans of such sums of money as it may consider necessary for carrying out the purposes of this Act.

Agricultural
Workers
Welfare Fund.

14. (1) There shall be constituted by a Board a Fund to be called the Agricultural Workers' Welfare Fund and there shall be credited thereto:—

- (a) contributions under section 15;
- (b) any grants and loans made to the Board by the Government;
- (c) donations made to the Board by the general public and entrepreneurs;
- (d) all sums received by the Board from such other sources as may be decided by the appropriate Government.

(2) The Fund shall be applied for meeting:—

- (a) expenses of the Board in the discharge of its functions under this Act;
- (b) salaries, allowances and other remuneration of the Members, officers and other employees of the Board;
- (c) expenses on the defects and for purposes authorised by this Act.

Contributions
to Fund by
land owners.

15. (1) Every land owner shall pay an annual contribution to the Fund at such rate as may be fixed by the appropriate Government, by notification in the official Gazette, from time to time.

(2) The contribution fixed under this shall be recovered by the appropriate Government from the land owners and transferred to the Board in such manner as may be prescribed.

Working
hours.

16. No agricultural worker shall be required or allowed to work for more than eight hours in a day with half an hour break:

Provided that no woman agricultural worker shall be required or allowed to work in any agricultural land except between 6.00 A.M. to 7.00 P.M.

Wages.

17. (1) Every land owner shall pay to an agricultural worker employed by him such wages which are not less than the prescribed minimum wages and such wages shall be paid within such time as may be fixed by the appropriate Government.

(2) Where an agricultural worker is required by the land owner to work for more than the hours of work fixed, he shall be entitled in respect of each hour of such overtime work to wages at the rate of twice his ordinary rate of wages for one hour.

(3) The appropriate Government shall ensure that there is no discrimination in the payment of wages amongst the male and female agricultural workers.

Continuous
employment
for agricul-
tural workers.

18. (1) No land owner shall employ a new agricultural worker unless he had employed all the agricultural workers who had worked any time during the previous agricultural season on his agricultural land except that the agricultural worker refuses to accept or who is incapacitated and is unable to work.

(2) If work is not available to an agricultural worker due to devastation of crop due to any natural calamity or such reason, it shall be the duty of the appropriate Government to provide work to an agricultural worker.

Special
provisions for
women
agricultural
workers.

19. The appropriate Government shall make provisions, in such manner as may be prescribed, for the women agricultural workers:—

- (a) maternity benefits with full wages;
- (b) medical benefits including indoor hospital facilities for chronic diseases,

(c) periodical check up by qualified gynaecologists and free distribution of requisite medicines;

(d) creches for their children;

(e) free education for their wards with free books, uniforms and other necessities; and

(f) such other facilities as may be prescribed.

20. The appropriate Government may provide such other amenities for the benefit of agricultural workers as may be prescribed.

Other amenities for agricultural workers.

21. Every land owner shall ensure that personal protective safety equipments are provided to such agricultural workers as are required to handle machinery and agro chemicals which are hazardous to the life and limb of such workers.

Safety equipments.

22. (1) Where on an agricultural land an accident occurs which causes death or bodily injury incapacitating an agricultural worker from working the land owner shall give notice thereof to such authority, in such form and within such time as may be prescribed.

Notice of accidents.

(2) On receipt of a notice under sub-section (1) the authority referred to in that sub-section may make such investigation or inquiries as it considers necessary.

23. Where an agricultural dispute exists or is apprehended, the Conciliation Officer may hold conciliation proceedings in the prescribed manner and shall, for the purpose of bringing about a settlement of the dispute, without delay, investigate such dispute and all matters affecting the merits and the right settlement thereof and may do all such things, as he thinks fit, for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

Settlement of disputes.

24. Whoever,—

Penalties.

(i) for the purpose of avoiding any payment to be made by him under this Act or for enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or false representation shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees or with both depending upon the gravity of the case;

(ii) contravenes and makes default in complying with any of the provisions of this Act or of any rule made under this Act shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to twenty five thousand rupees or with both.

25. Where an offence under this Act has been committed by a Company, every person who at the time the offence was committed was in-charge of and was responsible to, the Company for the conduct of the business of the company, as well as the Company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Offences by Companies.

26. No civil court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act.

Jurisdiction of civil court barred.

27. The Central Government may give directions to the Government of any State or to any Board as to the carrying into execution of any of the provisions of this Act.

Power of Central Government to give directions.

**Power to
remove
difficulties.**

28. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provision not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removing the difficulty.

**Saving of
certain laws.**

29. Nothing contained in this Act shall affect the operation of any corresponding law in a State regulating employment and conditions of service of agricultural workers and providing for welfare measures or schemes which are more beneficial to the agricultural workers than those provided for them by or under this Act.

**Power to
make rules.**

30. The Central Government may, in consultation with the Governments of the States may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

It has rightly been said that India lives in villages as more than 70% of our total population lives in villages and is engaged in agriculture and allied activities. Agriculture provides maximum employment to the work force in the country and agriculture, apart from other factors, depends mainly on the agricultural workers. At present there are more than 185 million agricultural workers in the country and their number is increasing day by day. But, unfortunately there are number of problems like poor working conditions, unregulated working hours, seasonal employment, low income, poverty, indebtedness, wage disparity and discrimination in payment thereof on the basis of sex etc., absence of housing, medical and educational facilities which are haunting the agricultural workers. The women agricultural workers do not get paid maternity and other facilities. Similarly when the agricultural workers get very old they do not get any financial support for sustenance. There are similar other problems. However, there is no law to protect these unorganised workers whose contribution towards the growth of our agriculture sector can not be ignored. The Central Government is contemplating to enact a Central Law for this workforce for decades together, but has not yet succeeded to bring forward such a legislation. It is felt that parliament must pass a legislation for the millions of agricultural workers so that their service conditions etc. are regulated and they too get the benefits of growth and independence of the country.

Hence, this Bill.

SOLIPETA RAMACHANDRA REDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the appointment of Registration Officers. Clause 5 provides for the appointment of Conciliation Officers. Clause 13 provides for the grants and loans to be provided by Government to the Boards. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees Five Hundred Crores may involve as recurring expenditure per annum.

A sum of rupees two crores is also likely to be involved as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 30 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

VII

BILL NO. XXIV OF 1999

A Bill to provide for the remunerative support price of agricultural produce including vegetables to the farmers to be fixed by an autonomous Board on annual and seasonal basis and to be paid by the traders and Governmental agencies and for the timely intervention of Government and their agencies at the time of steep fall in prices of such produce in the open market and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Agricultural Produce (Remunerative Support Prices and Miscellaneous Provisions) Act, 1999.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "agricultural produce" includes wheat, paddy, pulses, sugarcane, cotton, oil seeds, coarse grains like maize, millet, jowar, bajra, gram, soyabean, fruits, vegetables such as potato, onion, tomato, cauliflower, cabbage etc. and such other agricultural or horticultural produce which are used for human consumption or for any medicinal purpose;

(b) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(c) "Board" means the Agricultural Produce Price Fixation Board established under section 3;

(d) "Governmental agencies" include any agency of the Government by whatever name called which receives grants from the Government and which is engaged in procurement, distribution and canning agricultural produces;

(e) "prescribed" means prescribed by rules made under this Act.

Establishment
of Agricultural
Produce Price
Fixation
Board.

3. (1) The Central Government shall, as soon as may be, but not later than six months from the date of commencement of this Act, by notification in the Official Gazette, establish a Board to be known as Agricultural Produce Price Fixation Board.

(2) The Headquarters of the Board shall be at Hyderabad, the capital of the State of Andhra Pradesh.

(3) The Board shall consist of—

(a) a chairperson and a deputy chairperson, having agricultural qualifications or background, to be appointed by the Central Government;

(b) one member from each zonal office of the Board;

(c) one member each to represent the Union Ministries dealing with agriculture, food, food processing and fertilizers;

(d) one member to represent the Indian Council of Agricultural Research;

(e) four members to be appointed by the Central Government from amongst the farmers;

(f) four members of Parliament of whom two each shall be elected by Lok Sabha and Rajya Sabha respectively.

(4) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose off property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(5) The term of office of the chairperson, deputy chairperson and members and the manner of filling vacancies and the procedure to be followed in the discharge of their functions shall be such as may be prescribed.

(6) The Board shall set up one zonal office each in the eastern, western, northern, north eastern, central and southern parts of the country comprising of such states and Union Territories as may be determined by the Board and shall consist of such members as may be prescribed.

Functions of
the Board.

4. (1) The Board shall—

(i) fix and declare minimum remunerative support prices of agricultural produce before every sowing season after examining the recommendations of all the zonal offices:

Provided that different prices may be fixed for different produce and for different zones;

(ii) fix the issue prices of foodgrains for retail sale to consumers every year.

(2) The Board shall perform its functions in close liaison with Union and State agencies, institutions including cooperatives and authorities concerned with the procurement, supply, distribution, trade etc. of agricultural produce and avoid duplication of efforts.

(3) The Board shall give wide publicity to the remunerative prices fixed for agricultural produce through electronic and print media throughout the country.

5. It shall be the duty of each zonal office of the Board to recommend to the Board the remunerative support prices of agricultural produce in respect of its jurisdiction.

Duties of zonal offices of the Board.

6. Every zonal office of the Board, before recommending the minimum support remunerative prices of agricultural produce, shall take into account all relevant factors, but in particular, the following, namely:—

Factors to be taken into account while fixing support remunerative prices.

(a) average capital investment made by farmers in growing the produce;

(b) average labour charges;

(c) interest on loans borrowed for growing the produce;

(d) premium for crop insurance, if any;

(e) maintenance cost of the land;

(f) expenditure on fertilizers, seeds electricity etc.;

(g) any concession, rebate or subsidy provided by Government in relation to agricultural produce;

(h) prevailing open market price of each product;

(i) climatic conditions and incidence of natural calamities like floods, droughts, hailstorms, cyclones, untimely rains etc.;

(j) average monthly household expenditure of average farmer;

(k) any other incidental expenditure.

7. In case any farmer fails to sell his produce in the open market at the desired prices, the Central Government shall purchase his produce at the price fixed by the Board through Governmental agencies.

Central Government to purchase agricultural produce.

8. If there is steep fall in the prices of agricultural produce in the open market it shall be the duty of the appropriate Government to intervene through its agencies in the market to ensure that farmers get minimum support price of the produce and take such other measures as it may deem necessary to handle the situation and protect the interests of the farmers.

Appropriate Government to intervene in certain cases.

9. (1) Any agriculturist may file an appeal with the Central Government for reviewing the minimum support remunerative price fixed by the Board for any agricultural produce within thirty days of the declaration of the price if the agriculturist is not satisfied with the fixation of the price.

Review of prices fixed by the Board.

(2) The Central Government shall give its decision on the application within fifteen days of the filing of the application.

10. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effect of the Act.

11. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

In our country the farmer and his family entirely depends on the crop he grows and reaps. The crop is the result of his hard work and his expectations are always for the remunerative prices so that he could repay the loans, construct or repair the house, pay the electricity and water charges, solemnise marriage in the family, purchase clothes and household items, purchase books, dresses and pay the fee of his wards and so on and so forth. But unfortunately it is an usual phenomenon that in the immediate post harvest period the prices of most of the agricultural produce decline very sharply and farmers are left high and dry and at the mercy of unscrupulous traders who exploit them to the maximum possible. The traders in connivance with the middlemen force the farmer to sell his produce at throwaway prices but as soon as the lean period sets in, the same foodgrains are sold to consumers at exorbitant prices. This phenomenon persists every crop seasons.

Similarly it is now very common that whenever there is bumper crop of anything, be it foodgrains or vegetables, the prices of such items fall very steeply. For instance when there is bumper crop of potato, onion or say tomato their prices fall to the extent that the growers have no choice but to throw them on the roadsides and many a times we have noticed the farmers burning their sugarcane on their fields. But even the Government does not come to the rescue of the poor farmer at such juncture and his tears are not wiped by anyone. Hence there is urgent need to provide that Government should intervene at such times to protect the interest of the farmers.

The Agriculture Ministry of the Union Government fixes the minimum support price of agricultural produce but generally such prices are not realistic ones and there has always been discontentment amongst the farmers regarding such prices because they remain far below the expectations of the farmers. So many factors are not taken into consideration while fixing the prices and it is alleged that prices are fixed in the air conditioned room of Krishi Bhawan without having the ground realities by a team of officers. It is, therefore, necessary to set up a statutory autonomous agricultural produce price fixation Board to fix the remunerative prices for agricultural produce taking into consideration all the aspects in growing them by the farmers. It will also be mandatory for the Government to purchase agricultural produce from the farmers through their agencies. It is felt that the guarantee of a minimum assured price will further give the requisite boost to our agriculture sector and our farmer will prosper for which he really deserves.

Hence this Bill.

SOLIPETA RAMACHANDRA REDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Agricultural Produce Price Fixation Board. Clause 7 provides Central Government to purchase agricultural produce at the price fixed by the Board. The Bill, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crores may involve as recurring expenditure per annum.

A non recurring expenditure of rupees one hundred crores may also likely to involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives powers to the Central Government to make rules for carrying out the purpose of the Bill. The rules will relate to the matters of details only.

The delegation of legislative power is of normal character.

VIII

BILL NO. XV OF 1999

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows :—

1. (1) This Act may be called the Constitution (Amendment) Act, 1999.

Short title and
commence-
ment.

(2) It shall come into force with immediate effect.

2. After article 21 of the Constitution the following article shall be inserted, namely:—

Insertion of
new article
21A.

21A. (1) Subject to public order, morality and health, all citizens shall be entitled to have freedom of personal privacy and the right of lead his life in his own way and no person or authority of the State shall interfere in his privacy except by his consent or in accordance with the procedure established by law.

(2) The Parliament shall by law, make Provisions with respect to all matters relating to or in connection with the personal privacy of citizens including the penal provisions for violation of privacy necessary for protecting such freedom.

Protection of
personal
privacy.

STATEMENT OF OBJECTS AND REASONS

It is felt that there should be a complete right to privacy for the citizens so that no agency of the Government should be allowed to enter the residence of any citizen unless there is a risk to National Security. In the present globalised economy, minor economic offences should not attract an extreme step of invading the private residence of a citizen of the country. This should be done only in extreme cases, and only subject to the order of a Committee of Senior most officers. Even under these circumstances, the raiding team should be thoroughly checked by independent local witnesses and the team must extend enough courtesy by not entering into the bed-room without verifying the inmates. If there is a single lady in the bed-room, they can put security outside the bed-room. No male or female should be allowed to enter the bed-room without her permission for a reasonable time i.e. one hour to make herself properly dressed up before entry of any member of the raiding team. It should be the fundamental right of the ordinary citizen of the country.

Under no circumstances the raiding authorities should be allowed to release piecemeal information to the media before enquiry is completed. This kind of release not only hampers the unbiased enquiry but also punishes the suspected offender before the final judgement. It also alerts the accomplices.

Similarly, the print media also highlights the privacy of citizens and in many cases it is done to blackmail the person against whom such write ups are intended. The affected person has no right to reply in the same media and only course of action left to him is to sue the newspaper/magazine but by then the harm is already done. So, this kind of peeping into privacy has to be stopped.

Hence this Bill.

SANTOSH BAGRODIA.

IX

BILL No. XXVII OF 1999

A Bill to prohibit the arrest of an entrepreneur, businessman or any person merely on suspicion of having committed an economic offence without any clinching proof thereof and for matters connected therewith.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Economic Offences (Prevention of Arrest on Mere Suspicion) Act, 1999.

Short title extent and commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. Notwithstanding anything contained in any other law for the time being in force, no person shall be arrested by any authority on the basis of suspicion alone, who according to such authority might have committed any economic offence under any law for the time being in force.

Prohibition of arrest on suspicion alone in economic offences.

3. Notwithstanding anything contained in any other law for the time being in force, no court shall grant remand to any authority for interrogating any person proposed to be proceeded against merely on suspicion of having committed an economic offence under any law for the time being in force.

Courts not to grant remand etc.

Committee of senior officers to decide for arresting in case of sufficient evidence available.

4. (1) Where sufficient evidence is available against any entrepreneur having committed any economic offence, a team of senior officers of the Police or of the enforcing agency, as the case may be, shall decide the desirability of taking such entrepreneur under detention.

(2) Where the Committee of officers referred to under sub-section (1) decides to arrest an entrepreneur on the basis of clinching evidence against him, such entrepreneur shall be provided with minimum basic necessities of day to day life and such Committee may also opt for house arrest of such entrepreneur.

STATEMENT OF OBJECTS AND REASONS

Today the world is changing very fast. The most important factor has become the survival of human being and to meet their minimum needs. Economic development is must. It is for this reason that globalisation has become important.

Our country has got very old unpractical laws including economic offence laws. As a result, there is unnecessary fear in the minds of the businessmen and industrialists that they will be put to serious problem for frivolous reasons.

Therefore, this has become necessary to enact a separate law that detention for economic offences should be an exception and not a rule. Any entrepreneur or businessman should not be arrested merely on suspicion of having committed an economic offence. This will help in increasing economic activities resulting in more employment and better law and order situation in the country. This law should supercede all other laws for economic offences. The power for issuing order for detention should be given to the committee of senior officers and only then in very exceptional cases it should be used if there is clinching evidence against the offender.

Even if detention is warranted with evidence we have to find out the ways to ensure that due to the detention the genuine economic activities are not affected in the interest of the development of the country. For this, the detention can be done as house arrest and most essential facilities like telephone etc. may be provided alongwith all the minimum necessities like food or his own choice at his own cost and hygenic facilities like clean toilet and sleeping area. This will give the desired relief to the entrepreneur and guarantee that he will not be implicated on suspicion alone.

Hence this Bill.

SANTOSH BAGRODIA

X

BILL No. XXVI OF 1999

A Bill to provide for relaxation in age restrictions and other conditions of eligibility for employment for women in services of Government, including Public sector and for matters connected therewith.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Employment of Women(Relaxation of Conditions of Eligibility) Act, 1999.

(2) It extends to the whole of India.

(3) It shall come into force immediately.

Definitions.

2. In this Act unless the context otherwise requires—

(a) "appropriate Government" means in the case of a State, the State Government concerned, and in other cases, the Central Government.

(b) "Government service" means the service in connection with the affairs of the Central or any State Government and includes the service in any public sector undertaking or enterprise, local bodies and Panchayati Raj Institutions;

(c) "prescribed" means prescribed by rules made under this act;

(d) "Public Sector undertakings and enterprises" means and includes both Central and State undertakings and enterprises including Banks and Financial Institutions.

3. Every appointing authority while making appointments to services and posts in relation to the affairs of the Union or a State, including those of Public Sector undertakings and enterprises shall consider the claims of women afflicted with typical family obligations and constraints for relaxation of conditions of eligibility like age-limits, requisite qualifications, training and experience, in such manner and taking into account such administrative efficiency as may be prescribed.

Appointing authority to relax conditions of eligibility in respect of women candidates.

4. Family obligations and constraints of women requiring relaxation of the conditions for eligibility, under section 3, shall be laid down by the appropriate government.

Appropriate in Government to define family obligation and constraints.

5. The Central Government may by notification in official Gazette make rules to carry out the purposes of this Act.

Powers to make rules.

STATEMENT OF OBJECTS AND REASONS

Women in India often find themselves so deeply engrossed in family affairs and burdened with such heavy domestic responsibilities that despite their capabilities, education and aptitude, they are unable to enter into government services in proper time.

Such women have little representation in services connected with the affairs of the State. Though capable of carrying out the responsibilities of the various assignments efficiently, they some times fall somewhat short of requisite qualifications, experience and other conditions of eligibility.

Very often it so happens that by the time, a woman after fulfilling her essential family responsibilities, finds it possible and necessary to enter service she is already over-age or is not able to fulfil other conditions of eligibility to enter government service.

It would, therefore, be proper to provide for relaxation for women in the matter of age-limit, requisite educational qualifications, experience and other conditions of eligibility to ensure due representation to women in government services.

Hence this Bill.

VEENA VERMA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for the purposes of this Bill, the rules will relate to matters of details only.

The delegation of legislative power is of normal character.

XI

BILL No. XXX OF 1999

A Bill to abolish employment of Children, bonded or otherwise, in hazardous employment, rehabilitation of those children who are employed and for welfare measures for them and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Child Labour in Hazardous Employment (Abolition, Rehabilitation and Welfare) Act, 1999.

Short title,
extent and
commencement.

(2) It shall extend to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "Appropriate Government" means in case of a State the Government of the concerned State and in respect of rest of territories the Central Government;

(b) "Child labour" means a child below the age of fourteen years who is engaged in any job or occupation;

(c) "employer" means a person who engages a child in any job or occupation and if the employer is a company or a corporate body, the Chairman, Managing Director or an executive head of such body or company;

(d) "hazardous employment" means engagement in a job, occupation or enterprise, in a situation where the worker is exposed to hazards to life or serious accident, chronic diseases, depravity or degeneration in life, and risk of grievous hurt, and which would include engaging children in begging or collection of alms or in immoral and criminal acts including prostitution or those having direct impact on moral and character of the child and other hazardous employment as prohibited under the Child Labour (Prohibition and Regulation) Act, 1986;

(e) "prescribed" means prescribed by rules made under this act.

Abolition of
child labour.

3. Child Labour in hazardous employment in any form is hereby abolished.

Penalty.

4. Whoever engages a child in hazardous employment, shall be punishable with imprisonment which shall not be less than three years and with fine which shall not be less than twenty five thousand rupees.

Provided that if the child employed is—

(a) a girl child;

(b) a bonded child labour;

(c) is engaged in—

(i) begging;

(ii) prostitution and allied works;

(iii) jobs involving crime and moral turpitude; or

(iv) work having direct impact on the morality and character of the child,

the employer shall be punishable with imprisonment which shall not be less than five years and with fine which shall not be less than fifty thousand rupees but may extend to one lakh rupees in cases where the child is employed as sex worker, smuggling or as carriers in espionage and other heinous crimes.

Census of child
labour.

5. The appropriate Government shall conduct census of child labour within its territorial jurisdiction in such manner as may be prescribed.

Rehabilitation
of child labour.

6. The appropriate Government shall rehabilitate the child labour found under section 5 in such manner as may be prescribed.

Police officer
to be punished
for refusal to
register FIR.

7. If a police officer responsible for registering cases under his territorial jurisdiction refuses to register an FIR for an offence under this Act, or otherwise aids or abets the commission of such offence he shall be punishable with imprisonment which shall not be less than two years and with fine which shall not be less than twenty thousand rupees.

Appropriate
Government to
declare
hazardous
employments.

8. The appropriate Government shall with immediate effect declare a comprehensive list of hazardous employments and jobs being carried out within its territorial jurisdiction.

Facilities.

9. Every employer who employs a child in non hazardous job shall arrange free education and vocational training for the children employed in his workshop, establishment or household and shall also provide adequate facilities for games, sport and recreation after working hours, or otherwise, in such manner, as may be prescribed.

Power to make
rules.

10. The appropriate Government may within a month of the enforcement of this Act, frame rules for carrying out the purposes of this Act, which shall be duly notified in the official gazette, and laid before the Houses of Parliament and the respective legislatures as per procedure and practice established in this regard.

STATEMENT OF OBJECTS, AND REASONS

Article 24 of the Constitution of India provides for a prohibition against employment of children below fourteen years "in any factory or mine or engaged in any other hazardous employment." Every child has a right against exploitation. The very fact that a child is kept away from school and is made to work for earning bread by itself smacks of exploitation. In a welfare democratic 'State' like India, it is for the 'State' to provide for conditions in which personality of a citizen can develop to its best self. But when a child is forced to give up its toys and take to tools; and is deprived of basic education, so essential for development of personality, it obviously speaks of exploitation of the Child.

Yet the growing population of the country, a high percentage of which (over 35%) continues to live below poverty line, explains the inevitability of a huge work force; comprising of children. "Immediate ban on child labour would be both unrealistic and counter-productive" observed the Supreme court in its May 1, 1997 judgement. Yet exploitation of the child in tender age, say 10 years of age, amounts to a grave abuse of child-hood, and needs to be prohibited. Also, the presence of child labour in hazardous industries and jobs represents a gross violation of human rights. If child labour is a practical necessity, it has to be regulated strictly allowing full mental and physical development of the child by way of education, sports, training and recreation. There is thus need for effective enforcement and implementation of Article 24, to prohibit employment of children in hazardous jobs and environs. Despite the constitutional provision prohibiting engagement of children in hazardous jobs, millions of children continue to work in fireworks and match factories of Sivakasi, glass and bangle factories of Ferozabad, carpet factories of Varanasi; state factories, biri factories and other hazardous factories. Lakhs of children are engaged by their parents and their masters in begging, which occupation by its very nature cannot allow them to be good citizens. Several children are found engaged as carriers by smuggler and drug peddlers. The damage done by such provisions to the life of these citizens of tomorrow can better be imagined than described.

An effort was made in 1986 to prohibit and regulate employment of children in hazardous jobs, Hon'ble Prime Minister announced an active plan to eliminate and abolish employment of children in hazardous jobs. Even though the 1986 Act incorporated a schedule enumerating the hazardous jobs, yet the law does not define precisely what "hazardous employment" means? A serious attempt should, therefore, be made to define what is called "hazardous employment", not only to encompass jobs involving hazards to life and physical self of the child, but also to include jobs posing grave threat of devastation to the morality, character and nature of the child even forcing them into depravity.

Since the enactment of the law has failed to provide any deterrent against engagement of children in hazardous jobs, and the number of child workers in such jobs continue to increase, even during the last 16 years when we have been particularly alive to the evil of child labour and have as a nation subscribed to the U.N. Convention on Rights of the Child. Latest figures show that from 10% to 30% of the work force in hazardous industries like Slate and slate-pencil, glass, fire works and metal industry comprise of children. Massive presence of children amongst beggars and sex workers is a matter of shame for the Nation. An effort need therefore be made to make the law more deterrent, not only for employees, but also for the law enforcers who collude in preferring to turn a blind eye to child labour employed in varied hazardous jobs.

Hence this Bill.

VEENA VERMA

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the rehabilitation of child labour found in census by the appropriate Government. The Bill if enacted will involve expenditure from the Consolidated Fund of India to the tune of rupee one hundred crores per annum as recurring expenditure.

A sum of rupee fifty crores may also involve as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the appropriate Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

XII

BILL NO. XXIX OF 1999

A Bill to provide for the prohibition of publication, circulation and broadcasting of exit poll results conducted by any person or agency through the print and electronic media while the election process is on in any constituency whether throughout the country or any part thereof and matters connected therewith.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Exit Poll (Prohibition of Publication and Broadcasting During Elections) Act, 1999.

Short title, extent and commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "election process" means when the election has commenced after the nominations having been filed and electioneering begun after the withdrawal of names till the elections are over irrespective of the phases during which the election is to be held;

(c) "exit poll" includes the survey conducted by any person or agency from the voters as to whom they voted for in the election and thereafter coming to the conclusion as to which candidate or party win the election;

(d) "prescribed" means prescribed by rules made under this Act.

Prohibition of publication or broadcasting of the results of exit poll.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the publication or broadcasting of the results of any exit poll when the election process is on throughout the country or the part thereof is hereby prohibited.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

Penalty.

4. Whoever contravenes the provisions of section 3 shall be liable to imprisonment for term which shall not be less than one year but which may extend to three years and also with fine which shall not be less than one lakh rupees but extend to five lakh rupees.

Offence by Companies.

5. Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Appropriate Government to establish special courts.

6. The appropriate Government shall establish special courts to try the offences committed under this Act in such manner as may be prescribed.

Offence to be cognizable and non-bailable.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence committed under this Act shall be cognizable and non-bailable. 2 of 1974.

Power to make rule.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

During the recent elections to the thirteenth Lok Sabha which were held in five phases, the print and electronic media were flooded with the results of exit polls right from the first phase of the polling in which a particular political party and its allies were declared winners of the hustings with landslide victories. These results were published in such a manner that the ordinary and unsuspecting voter was influenced to the extent that he decided to vote for that party thinking that if he will vote for other party or alliance his vote will be wasted. Words were around that these exit poll results were stage managed by the media managers of these influential political party spending hefty sum.

Though the exit polls were proved wrong particularly in Karnataka, Delhi, Maharashtra and other places but they had done the damage for the other parties. Election Commission did try to prevent these exit polls but could not do so when the Supreme Court ruled that the Commission has no authority to do so as there is no law to ban such polls. Hence it is widely being felt that these exit polls should be banned.

Hence this Bill.

GURUDAS DAS GUPTA

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the establishment of Special Courts for the trial of offences. The Bill, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one crore may involve while implementing the Act during a specific period particularly during and after elections.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

XIII

BILL NO. XXVIII OF 1999

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1999.

(2) It shall come into force with immediate effect.

Amendment
of article 85.

2. In article 85 of the Constitution, to clause (1) the following proviso shall be added, namely:—

“Provided that there shall not be less than one hundred sittings of the Parliament in each calendar year during the sessions so held during that year.”

STATEMENT OF OBJECTS AND REASONS

Of late the Central Government has started ignoring and bypassing the Parliament so as to avoid its scrutiny of the affairs of the Central Government. As a result the sittings of Parliament in so far as days are concerned are decreasing considerably which is adversely affecting the authority of Parliament and nation is being deprived of the good suggestions and positive criticism of the Executive by the Parliament. This is certainly not good for the largest democracy of the world. Hence it has been proposed in this Bill that there should be at least one hundred sittings of Parliament in every calendar year.

Hence this Bill.

GURUDAS DAS GUPTA

XIV

BILL No. XXXV OF 1999

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 so as to provide for the inclusion of Gawda, Kumbi, Velip and Dhangar Communities in the list of Scheduled Tribes specified in relation to the State of Goa.

BE it enacted by Parliament in the Fiftieth Year of Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 1999.

(2) It shall be deemed to have come into force on the 27th day of January, 1999.

Amendment of
the Constitu-
tion (Sched-
uled Tribes)
Order, 1950.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950 C.O. 22 in "Part XIX—Goa", the following entries shall be added at the end, namely:—

6. Gawda
7. Kumbi
8. Velip
9. Dhangar

STATEMENT OF OBJECTS AND REASONS

The Gawda, Kumbi, Velip and Dhangar communities in Goa meet all requirements to be included in the Constitution (Scheduled Tribes) Order. The Legislative Assembly of Goa has passed a resolution to this effect and the Government of Goa has also recommended accordingly.

EDUARDO FALERIO

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend the Constitution (Scheduled Tribes) Order, 1950 so as to include the Gawda, Kumbi, Velip and Dhangar communities in the list of Scheduled Tribes of the State of Goa. This shall involve recurring and non-recurring expenditure in respect of the benefits to be provided to the members of this community under the various schemes meant for the Scheduled Tribes. It is not possible to estimate at this stage the expenditure likely to be involved on this account. However, the expenditure, whether recurring or non-recurring, will be met out of the budgetary grants of the Ministry of Welfare.

2. The Bill, when enacted, will not involve any other recurring or non-recurring expenditure.

R.C. TRIPATHI,
Secretary-General.

